

Nat'l Highway Traffic Safety Admin., DOT

§ 577.4

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AUTHORITY: 49 U.S.C. 30102-103, 30112, 30115, 30117-121, 30166-167; delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.

EFFECTIVE DATE NOTE: At 69 FR 34959, June 23, 2004, the authority citation for part 577 was revised, effective Oct. 21, 2004. For the convenience of the user, the revised text is set forth as follows:

AUTHORITY: 49 U.S.C. 30102, 30103, 30116-30121, 30166; delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.

SOURCE: 41 FR 56816, Dec. 30, 1976, unless otherwise noted.

§ 577.1 Scope.

This part sets forth requirements for notification to owners of motor vehicles and replacement equipment about the possibility of a defect which relates to motor vehicle safety or a non-compliance with a Federal motor vehicle safety standard.

EFFECTIVE DATE NOTE: At 69 FR 34959, June 23, 2004, § 577.1 was revised, effective Oct. 21, 2004. For the convenience of the user, the revised text is set forth as follows:

§ 577.1 Scope.

This part sets forth requirements for manufacturer notification to owners, dealers, and distributors of motor vehicles and items of replacement equipment about a defect that relates to motor vehicle safety or a non-compliance with a Federal motor vehicle safety standard.

§ 577.2 Purpose.

The purpose of this part is to ensure that notifications of defects or non-compliances adequately inform and effectively motivate owners of potentially defective or noncomplying motor vehicles or items of replacement equipment to have such vehicles or equipment inspected and, where necessary, remedied as quickly as possible.

EFFECTIVE DATE NOTE: At 69 FR 34959, June 23, 2004, § 577.2 was amended by adding a new sentence at the end of the section, effective Oct. 21, 2004. For the convenience of the user, the added text is set forth as follows:

§ 577.2 Purpose.

* * * It is also to ensure that dealers and distributors of motor vehicles and items of replacement equipment are made aware of the existence of defects and noncompliances and of their rights and responsibilities with regard thereto.

§ 577.3 Application.

This part applies to manufacturers of complete motor vehicles, incomplete motor vehicles, and replacement equipment. In the case of vehicles manufactured in two or more stages, compliance by either the manufacturer of the incomplete vehicle, any subsequent manufacturer, or the manufacturer of affected replacement equipment, shall be considered compliance by each of those manufacturers.

§ 577.4 Definitions.

For the purposes of this part:

Act means 49 U.S.C. Chapter 30101-30169.

Administrator means the Administrator of the National Highway Traffic Safety Administration or his delegate.

First purchaser means the first purchaser in good faith for a purpose other than resale.

Leased motor vehicle means any motor vehicle that is leased to a person for a term of at least four months by a lessor who has leased five or more vehicles in the twelve months preceding the date of notification by the vehicle manufacturer of the existence of a safety-related defect or noncompliance with a Federal motor vehicle safety standard in the motor vehicle.

Lessee means a person who is the lessee of a leased motor vehicle as defined in this section.

Lessor means a person or entity that is the owner, as reflected on the vehicle's title, of any five or more leased vehicles (as defined in this section), as of the date of notification by the manufacturer of the existence of a safety-related defect or noncompliance with a Federal motor vehicle safety standard in one or more of the leased motor vehicles.

§ 577.5

Owners includes purchaser.

[41 FR 56816, Dec. 30, 1976, as amended at 60 FR 17270, Apr. 5, 1995]

§ 577.5 Notification pursuant to a manufacturer's decision.

(a) When a manufacturer of motor vehicles or replacement equipment determines that any motor vehicle or item of replacement equipment produced by him contains a defect which relates to motor vehicle safety, or fails to conform to an applicable Federal motor vehicle safety standard, he shall provide notification in accordance with paragraph (a) of § 577.7, unless the manufacturer is exempted by the Administrator (pursuant to section 157 of the Act) from giving such notification. The notification shall contain the information specified in this section. The information required by paragraphs (b) and (c) of this section shall be presented in the form and order specified. The information required by paragraphs (d) through (h) of this section may be presented in any order. The manufacturer shall mark the outside of each envelope in which it sends an owner notification letter with a notation that includes the words "SAFETY," "RECALL," and "NOTICE," all in capital letters and in type that is larger than that used in the address section, and is also distinguishable from the other type in a manner other than size. Except where the format of the envelope has been previously approved by NHTSA, each manufacturer must submit the envelope format it intends to use to NHTSA at least 5 Federal government business days before mailing to owners, in the same manner as is required by § 573.6(c)(9) for owner notification letters. Notification sent to an owner whose address is in either the Commonwealth of Puerto Rico or the Canal Zone shall be written in both English and Spanish.

(b) An opening statement: "This notice is sent to you in accordance with the requirements of the National Traffic and Motor Vehicle Safety Act."

(c) Whichever of the following statements is appropriate:

(i) "(Manufacturer's name or division) has decided that a defect which relates to motor vehicle safety exists in (identified motor vehicles, in the

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case of notification sent by a motor vehicle manufacturer; identified replacement equipment, in the case of notification sent by a replacement equipment manufacturer);" or

(2) "(Manufacturer's name or division) has decided that (identified motor vehicles, in the case of notification sent by a motor vehicle manufacturer; identified replacement equipment, in the case of notification sent by a replacement equipment manufacturer) fail to conform to Federal Motor Vehicle Safety Standard No. (number and title of standard)."

(d) When the manufacturer determines that the defect or noncompliance may not exist in each such vehicle or item of replacement equipment, he may include an additional statement to that effect.

(e) A clear description of the defect or noncompliance, which shall include—

(1) An identification of the vehicle system or particular item(s) of motor vehicle equipment affected.

(2) A description of the malfunction that may occur as a result of the defect or noncompliance. The description of a noncompliance with an applicable standard shall include, in general terms, the difference between the performance of the noncomplying vehicle or item of replacement equipment and the performance specified by the standard;

(3) A statement of any operating or other conditions that may cause the malfunction to occur; and

(4) A statement of the precautions, if any, that the owners should take to reduce the chance that the malfunction will occur before the defect or noncompliance is remedied.

(f) An evaluation of the risk to motor vehicle safety reasonably related to the defect or noncompliance.

(i) When vehicle crash is a potential occurrence, the evaluation shall include whichever of the following is appropriate:

(i) A statement that the defect or noncompliance can cause vehicle crash without prior warning; or

(ii) A description of whatever prior warning may occur, and a statement that if this warning is not heeded, vehicle crash can occur.